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**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

## Letter dated 23 August 2016 from the Secretary-General addressed to the President of the General Assembly

In accordance with the provisions of paragraph 6 (h) of General Assembly resolution ES-10/17 of 15 December 2006, I have the honour to transmit herewith a progress report, dated 24 June 2016, from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly.

(*Signed*) **BAN** Ki-moon

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## Annex

### Letter dated 24 June 2016 from the members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory addressed to the Secretary-General

We have the honour to provide the progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly, in accordance with paragraph 6 (h) of Assembly resolution ES-10/17 (see enclosure).

We request that the progress report be issued as a document of the General Assembly. Our 2009, 2010, 2011, 2012, 2013, 2014 and 2015 progress reports were issued as documents A/ES-10/455, A/ES-10/498, A/ES-10/522, A/ES-10/598, A/ES-10/599, A/ES-10/658 and A/ES-10/683, respectively.

(*Signed*) Ronald **Bettauer**
Member of the Board

(*Signed*) Harumi **Hori**
Member of the Board

(*Signed*) Matti **Pellonpää**
Member of the Board

## Enclosure

### Progress report from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

1. The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (the Register of Damage) provides this progress report, in accordance with paragraph 6 (h) of General Assembly resolution ES-10/17, covering the period from 20 June 2015 to 24 June 2016. Our 2009, 2010, 2011, 2012, 2013, 2014 and 2015 progress reports were contained in documents A/ES-10/455 (2009), A/ES-10/498 (2010), A/ES-10/522 (2011), A/ES-10/598 (2012), A/ES-10/599 (2013), A/ES-10/658 (2014) and A/ES-10/683 (2015), respectively. Board progress reports, as well as other basic documents pertinent to the work of the Register of Damage, are posted on the Register's website, www.unrod.org.

2. During the reporting period, the Register of Damage continued to collect, process and consider claim forms for inclusion in the Register in accordance with its Rules and Regulations Governing Registration of Claims.

3. Since its launch in 2008, the community outreach campaign has covered 254 communities with a population of approximately 1,135,000 in the governorates of Jenin, Tubas, Tulkarem, Qalqiliya, Salfit, Ramallah, Hebron, Bethlehem and Jerusalem. Thousands of printed posters and leaflets were distributed to inform potential claimants of the requirements for completing a claim for registration of damage. In addition, over a hundred meetings were held during the reporting period by the Register of Damage claim intakers with governors, mayors, local councils and potential claimants in the areas covered by the outreach campaign. During the reporting period, the Register of Damage organized two specialized training sessions for mayors and local council officials from the Bethlehem and Jerusalem governorates on legal and organizational aspects of claim intake in their communities.

4. By 24 June 2016, 55,833 claim forms for registration of damage and over 900,000 of supporting documents had been collected and delivered to the Office of the Register of Damage in Vienna. Claim-intake activities have been carried out in all nine affected governorates — Tubas, Jenin, Tulkarem, Qalqiliya, Salfit, Hebron, Ramallah, Bethlehem and Jerusalem. The process of claim intake in Bethlehem and Jerusalem is at an advanced stage.

5. As of 24 June 2016, the Board decided to include most or all of the losses set out in 21,765 claim forms and excluded 771 claim forms in which none of the losses met the eligibility criteria, bringing the total number of decided claims to 22,536.

6. During the past year, the Office of the Register of Damage kept an accelerated pace of processing of the claim forms. However, despite the diligent and dedicated work of the secretariat and intensive work of the Board, there is a considerable gap between the number of claim forms collected and the number processed by the Vienna Office.

7. Since its previous report, the Board has held four meetings in Vienna to review claim forms that had been translated, processed and individually reviewed by the

Office staff. The Board met from 14 to 18 September and 30 November to 4 December 2015 and from 7 to 11 March and 20 to 24 June 2016. At the four meetings, respectively, the Board reviewed and decided to include in the Register most or all of the losses set out in 833 claim forms, 762 claim forms, 783 claim forms and 1,249 claim forms. At its September, November-December, March and June meetings, respectively, the Board decided not to include in the Register 14 claim forms, 5 claim forms, 14 claim forms and 31 claim forms, since none of the losses in the forms met the eligibility criteria in the Register of Damage Rules and Regulations.

8. The claim forms reviewed during the reporting period included 2,921 containing category A (agriculture) losses, 578 containing category B (commercial) losses, 122 containing category C (residential) losses and 252 containing category E (access to services) losses.

9. The Board, in its review of claims, continued to apply the eligibility criteria in accordance with article 11 of the Rules and Regulations Governing Registration of Claims. In view of the limited time available and the large number of claims for losses included in claim forms submitted to the Board for review by the Office staff, the Board continued to employ sampling techniques as provided for in article 12 (3) of the Rules and Regulations. During the four meetings covered by this report, Board members reviewed in detail approximately 10.28 per cent of the claims for losses included on the claim forms submitted for review. As indicated in the 2012 Board report, the Executive Director of the Register consulted informally a statistician concerning the sampling methodology; this level of sampling is within statistics' parameters of reliability. Claims that did not meet the eligibility criteria were either excluded from the Register or returned to the claimants in order for them to provide clarification.

10. Previous Board progress reports identified some of the issues addressed and decisions reached during the previous reporting period. The following are among the issues addressed and decisions reached by the Board during the present reporting period:

(a) Reduction in value of land: the Board decided that claims for reduction in value of land may be included where the land is physically affected by the construction of the Wall; that is, the Wall is built on the land or the land is adjacent to the Wall;

(b) The Board decided that land survey documents, which are usually issued by private licensed land surveyors upon the request of landowners, may be treated as official documents in cases where they contain an official stamp. All official documents will be assessed in determining the size of land to be recorded;

(c) Minor variation in plot size in different official documents: the Board decided that where there is a *de minimus* variance in the stated size of a plot in different official records, and the claimed size of the plot matched one of the official records, the claimed size will be recorded;

(d) Collection of pre-Wall debts: The Board decided that failure to obtain payment on debts incurred prior to the construction of the Wall should not normally be considered caused by the construction of the Wall since: (i) payment can still be made by cheque or otherwise; (ii) claimants can still take legal action to collect their

debts; and (iii) it would be difficult for a claimant to show that non-payment has occurred and was caused by the construction of the Wall;

(e) Other pre-Wall losses: In cases where land was used by the Israeli military for their vehicles and tanks several years before the construction of the Wall began, the Board decided to exclude such losses on the basis that they were not proximately connected with the construction of the Wall;

(f) Rerouting of the Wall: In cases where the rerouting of the Wall resulted in land that was previously between the Green Line and the Wall being located on the Occupied Palestinian Territory side of the Wall, the Board decided that there may nevertheless be continuing losses after the rerouting, as the land may require rehabilitation or may no longer be suitable for its previous use;

(g) Agricultural equipment: The Board decided that losses of large items of equipment that could not be easily moved to the Occupied Palestinian Territory side of the Wall may be included while moveable equipment such as tools that could reasonably be expected to be moved should in general be excluded;

(h) Additional relocation expenses: The Board decided to include claims for additional expenses for utilities and food that are related to claimants' relocation caused by the construction of the Wall and which the claimants would otherwise not have incurred;

(i) Access to basic goods: As noted in paragraph 12 (i) of its 2012 report, the Board decided that, in general, claims solely for additional living costs are too speculative to be registered. However, the Board decided that the situation is different where a community is surrounded by the Wall and there have been increased transportation costs for basic goods to transit the Wall, the imposition of quotas, and a lack of viable alternative sources. In such cases, the Board decided to register claims for increased household expenditures resulting from the restriction of access to such goods sustained as a result of the construction of the Wall by such communities.

11. As before, the Board would like to express its appreciation for the indispensable cooperation extended by the Palestinian Authority and the Palestinian National Committee for the Register of Damage, as well as for the support provided by local governors, mayors and members of village councils on many practical aspects, without which outreach and claim-intake activities could not be undertaken successfully. As for the Government of Israel, it continues to consider that any claims in relation to damage caused by the construction of the Wall should be addressed through the existing Israeli mechanism. On the practical level, the Executive Director of the Register of Damage continues to maintain constructive contacts with relevant Israeli authorities and, during the reporting period, the Office of the Register of Damage did not experience any problem with access, delivery of needed materials or issuance of required visas. On occasion, the security situation impeded claims-intake activity.

12. The Board of the Register of Damage notes with satisfaction the good cooperation with United Nations agencies and offices present on the ground in the Occupied Palestinian Territory, as called for in paragraph 14 of General Assembly resolution ES-10/17. The Board particularly appreciates the efficient and tangible contribution provided by the United Nations Office for Project Services in the areas of logistics, procurement, human and financial resources, and management in

support of the Register of Damage. During the reporting period, the Register of Damage also continued to benefit from the advice and assistance of the Under-Secretary-General for Political Affairs and cooperation with the Department of Political Affairs.

13. The outreach and claim-intake activities in the Occupied Palestinian Territory, which are currently conducted by ten Register of Damage claim intakers, have been funded by voluntary contributions from 21 donors. The Governments of Algeria, Austria, Azerbaijan, Belgium, Brunei Darussalam, Finland, France, Jordan, Kazakhstan, Malaysia, Malta, Morocco, the Netherlands, Norway, the Philippines, Qatar, Saudi Arabia, Switzerland and Turkey, as well as the European Commission and the OPEC Fund for International Development, have donated over $6.4 million. Note may be taken that several Governments, as well as the Fund, have provided donations to the Register of Damage two or more times.

14. The Board would like to express its appreciation to these donors for providing funding and political support enabling the implementation of the provisions of General Assembly resolution ES-10/17. Nevertheless, the resources that are currently available will be exhausted by the end of June 2016, thus putting into question the continuation of the claim-intake activity in the Occupied Palestinian Territory.

15. The Board commends the diligent and dedicated work of the staff of the Office of the Register of Damage.

16. The Board of the Register of Damage will continue to provide periodic reports.

Members of the Board of the Register of Damage
Vienna, 24 June 2016